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ATTORNEY DOCKET NO: 70012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : COCOLA et al.  
Serial No : 09/767,046  
Confirm. No. : 4570  
Filed : January 22, 2001  
For : A TEST TUBE FOR...  
Art Unit : 1743  
Examiner : Dwayne K. Handy  
Dated : August 26, 2003

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTINGREJECTION OVER A PRIOR PATENT

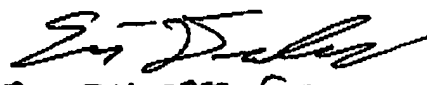
Sir:

The owner, DIESSE DIAGNOSTICA SENESE S.R.L. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,190,615. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Respectfully submitted  
for Applicant,

  
By: Reg 54,078 for  
Theobald Dengler  
Registration No. 34,575  
McGLEW AND TUTTLE, P.C.

The statutory fee for a disclaimer is \$110.00 (for large entity) under fee code 1814

☐ enclosed  
☒ requested to be charged to Deposit Account No. 13-0410.

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DATED: August 26, 2003  
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS  
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